

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

WP(C).No. 32399 of 2004(F)

PETITIONER:

**PATSEY C.JOSEPH, W/O.ITTIMANI CHUNGATH,
AGED 52 YEARS, HIGH SCHOOL ASSISTANT,
GOVERNMENT HIGHER SECONDARY SCHOOL, KADIKKAD,
THRISSUR DISTRICT-679 561.**

**BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA**

RESPONDENTS:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
TRIVANDRUM.**
- 2. THE ACCOUNTANT GENERAL (A & E),
KERALA, TRIVANDRUM.**
- 3. THE DEPUTY DIRECTOR OF EDUCATION,
AYYANTHOLE, THRISSUR.**
- 4. THE HEADMASTER/PRINCIPAL
GOVERNMENT HIGHER SECONDARY SCHOOL, KADIKKAD,
THRISSUR DISTRICT-679 561.**

BY GOVERNMENT PLEADER SMT. K.R.DEEPA

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 20/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C) NO: 32399/2004 F

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE GO P NO. 399/178/99 FIN DT. 5/2/99.

EXT.P2. COPY OF THE STATEMENT OF FIXATION OF THE PETITIONER DT. 30/4/99.

EXT.P3. COPY OF THE STATEMENT OF FIXATION OF -DO- NIL.

EXT.P4. COPY OF THE AUDIT OBJECTION OF THE R2 DT. 10/4/03.

EXT.P5. COPY OF THE GO P NO. 206/2003/FIN OF THE GOVT. DT. 5/4/03.

EXT.P6. COPY OF THE ORDER OF THE R2 DT. 28/10/03.

RESPONDENT'S EXHIBITS

NIL

True copy

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KURIAN JOSEPH J.

W.P.(C) No.32399 of 2004

Dated 20th July, 2007.

J U D G M E N T

The issue whether an incumbent making re-option is entitled to have the effect of re-option from the date of option as exercised by the incumbent, is covered in favour of the petitioner by the Bench decision of this Court in **State of Kerala v. Lissy Joseph** (2005(4) KLT SN Case No.97), wherein it has been held that it is the date of effect of reoption and not the effect of exercise of reoption that is material. The impugned orders are quashed. If any benefits are withheld on that count, the same shall be disbursed expeditiously.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO. OF 200

J U D G M E N T

Dated 13th July, 2007.